

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,)	
<i>Plaintiff,</i>)	
)	
v.)	CASE NO. 7:08-cv-177
)	
3.17 ACRES OF LAND, more or less,)	
situated in STARR COUNTY, TEXAS;)	
and JUAN MONTALVO, et al.,)	
)	
<i>Defendants.</i>)	

COMPLAINT IN CONDEMNATION

1. This is an action of a civil nature brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acting Executive Director, Asset Management, of U.S. Customs and Border Protection, for the taking of an interest in property, under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property is taken under and in accordance with the Act of Congress approved on February 25, 1931, as 46 Stat. 1421 and codified at 40 U.S.C. Section 3114, and the Act of Congress approved August 1, 1888, as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

4. The public purpose for which said interest in property is taken is to construct roads, fencing, vehicle barriers, security lighting, and/or related structures designed to help secure the United States-Mexico border within the State of Texas.

5. A general description of the land being taken is set forth in Schedule "C" attached hereto and made a part hereof. A plan showing the property being taken is shown on Schedule "D" attached hereto and made a part hereof.

6. The interest(s) being acquired in the property is described in Schedule "E" attached hereto and made a part hereof.

7. The names and addresses of known parties having or claiming an interest in said property are set forth in Schedule "G" attached hereto and made a part hereof.

8. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and exigible.

In addition to those persons named, there are or may be others who have or may have some interest in the property or interests to be taken, whose names are unknown to the Plaintiff, and such persons are made parties in the action under the designation "Other Interested Parties."

WHEREFORE, Plaintiff requests judgment that the property and interests be condemned, and that just compensation for the taking be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

DONALD J. DeGABRIELLE, JR.
United States Attorney

By: /s/ *Marcus D. Campbell*
MARCUS D. CAMPBELL
Assistant United States Attorney
Minnesota Bar No: 0276091
919 Milam, Suite 1500
P.O. Box 61129
Houston, Texas 77208
Tel: (713) 567-9731
Fax: (713) 718-3303
E-mail: marcus.campbell@usdoj.gov

Attorneys for the United States of America